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3  
4 THE HONORABLE JUDGE JAMES L. ROBART  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE WESTERN DISTRICT OF WASHINGTON  
10 SEATTLE DIVISION

11 STATE FARM FIRE AND CASUALTY  
12 COMPANY as subrogee for Derek and Kirsten  
Kalles,

13 Plaintiff,

14 v.

15 HOME DEPOT PRODUCT AUTHORITY,  
16 LLC, a Georgia corporation, and THE HOME  
DEPOT, INC., a Georgia corporation,

17 Defendants.  
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CAUSE NO. 2:21-CV-00323- JLR

STIPULATED MOTION TO REMAND

NOTING DATE: JULY 13, 2021

20 Plaintiff State Farm and Casualty Company, as subrogee for Derek and Kirsten Kalles  
21 (“Plaintiff”) and Home Depot Product Authority, LLC and The Home Depot, Inc. (collectively  
22 “Home Depot”) stipulate as follows:

23 1. On October 7, 2020, Plaintiff commenced an action in the Superior Court of the  
24 State of Washington in and for the County of King, entitled *State Farm and Casualty Company,*  
25 *as subrogee for Derek and Kirsten Kalles v. Home Depot Product Authority, LLC, a Georgia*  
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STIPULATED MOTION TO REMAND  
(CAUSE NO. 2:21-CV-00323- JLR )- Page 1

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1 corporation, and The Home Depot, Inc., a Georgia corporation, as Cause Number 20-2-14918-  
2 7 SEA (the “Action”).

3 2. On February 8, 2021, Plaintiff informed Home Depot for the first time that  
4 Plaintiff’s alleged damages exceeded \$75,000.

5 3. On March 9, 2021, Home Depot filed a notice of removal of the Action pursuant  
6 to U.S.C. §1441(b) with the United States District Court for the Western District of Washington.

7 4. After some discussion, the Parties have agreed that the Action should be  
8 remanded to the King County Superior Court. To that end, the Parties hereby stipulate that the  
9 Action be remanded to King County Superior Court with the following agreed upon conditions:

10 a. By August 2, 2021, or fourteen (14) days after a joint evidence  
11 examination between the Parties’ experts, whichever is later,<sup>1</sup> Home Depot will assert in  
12 supplemental discovery responses any evidence then known to Home Depot in support of the  
13 allegation that Steven Ray Construction is a third-party that Home Depot asserts is liable in this  
14 lawsuit; and

15 b. If Home Depot alleges that Steven Ray Construction is a third-party to  
16 whom liability is to be apportioned, Home Depot will stipulate to Plaintiff amending its  
17 Complaint to allege a claim against Steven Ray Construction. Plaintiff will amend its Complaint  
18 within fourteen (14) days of receipt of Home Depot’s supplemental discovery responses, if any.

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<sup>1</sup> The Parties will attempt to schedule the examination to take place by the close of business on August 2, 2021.  
25 In the event the Parties’ experts are unable to coordinate a mutually agreed upon time for the examination by  
26 August 2, the experts will schedule the examination for the soonest available date thereafter. In the event that the  
examination is not scheduled to be held by August 2, 2021, the parties will meet and confer, between themselves  
and their experts to schedule a date for the examination.

1           5.       The Parties further stipulate that each party shall bear its own attorneys' fees and  
2 costs with respect to the removal and subsequent remand of the Action pursuant to this stipulation  
3 and order.  
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6           DATED this 13<sup>th</sup> day of July, 2021.  
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8 HOLT WOODS & SCISCIANI LLP  
9

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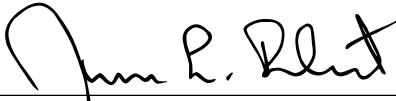
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3 **ORDER**

4 On July 13, 2021, the Parties in the above-referenced action filed a Stipulated Motion to  
5 Remand this Action. The Court having reviewed that stipulation and good cause appearing,  
6 orders as follows:

- 7 1. The parties' stipulated motion is approved;  
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9 2. The pending motion to remand (Dkt. # 23) is DENIED as moot; and  
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11 3. Western District of Washington Cause No. 2:21-CV-00323-JLR styled *State Farm and*  
12 *Casualty Company, as subrogee for Derek and Kirsten Kalles v. Home Depot Product*  
13 *Authority, LLC, a Georgia corporation, and The Home Depot, Inc., a Georgia*  
14 *corporation* is hereby remanded to King County Superior Court.

15 **IT IS SO ORDERED.**

16 Dated: July 14, 2021

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18 JUDGE JAMES L. ROBART  
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